

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

NICK GIOIA, et al.,

Plaintiffs,

-against-

PROJECT VERITAS, et al.,

Defendants.

**ORDER**

22-CV-06710 (PMH)

PHILIP M. HALPERN, United States District Judge:

Counsel for all parties appeared by telephone for a pre-motion conference today, except defendant S2 HR Solutions 1A, LLC which did not appear.

The Court directs plaintiff to forthwith file proof of service and an order and stipulation providing for an extension of time for S2 HR Solution 1A, LLC to answer or otherwise respond to the amended complaint as indicated in plaintiff's letter (Doc. 37). Should plaintiff effectuate a settlement with S2 HR Solution 1A, LLC, it shall file by December 21, 2022 an order and stipulation of dismissal as to that defendant.

The Court directs the parties to meet and confer concerning discontinuing either the state court action or the federal court action for purposes of efficiency and conservation of judicial resources.

The Court grants defendants Project Veritas, Tom O'Hara, and James O'Keefe leave to file a joint motion to dismiss pursuant to Fed. R. Civ. P. 12(b). The motion to dismiss shall be served, not filed, by January 20, 2023; opposition shall be served, not filed, by February 20, 2023; reply shall be served by March 6, 2023; and all motion papers shall be filed on the reply date, March 6,

2023. Should defendants elect to file an answer in lieu of a motion to dismiss, their time to file an answer is extended to January 20, 2023.

Discovery is not stayed.

See transcript.

**SO ORDERED:**

Dated: White Plains, New York  
December 14, 2022

A handwritten signature in black ink, appearing to read 'Philip M. Halpern', written over a horizontal line.

Philip M. Halpern  
United States District Judge